

DOCUMENT RESUME

ED 096 803

EC 070 150

**AUTHOR** Minch, Janet; And Others  
**TITLE** Rights Handbook for Physically Handicapped Children: Child Advocacy Project.  
**INSTITUTION** Easter Seal Society for Crippled Children and Adults of Massachusetts. Worcester.  
**SPONS AGENCY** Bureau of Education for the Handicapped (DHEW/OE), Washington, D.C.  
**PUB DATE** Apr 74  
**GRANT** OEG-0-72-5315  
**NOTE** 73p.  
  
**EDRS PRICE** MF-\$0.75 HC-\$3.15 PLUS POSTAGE  
**DESCRIPTORS** Employment Opportunities; Equal Education; \*Exceptional Child Services; Federal Aid; Federal Legislation; Financial Support; \*Guidelines; \*Handicapped Children; \*Legislation; Medical Treatment; \*Parents; State Legislation; Vocational Education  
**IDENTIFIERS** Massachusetts

**ABSTRACT**

The handbook is intended to help parents of handicapped children understand and use Massachusetts' laws and federal legislation to obtain their children's rights to education, training, medical services, and tax and social security benefits. Guidelines regarding education concern such topics as the Bartley-Daly Law; class placement; home tutoring; and rights to transportation, annual reevaluation, and confidential records. Discussed are health insurance (individual and group policy coverage), access to hospital records, Medicaid (eligibility, application procedures, and rights to appeal), and handicapped children services. Explained are children's and mothers' social security benefits, and qualifications and application procedures for supplemental security income. Employment and vocational training guidelines focus on such issues as exemption from minimum wage laws and requests for workman's compensation exemption. Federal and Massachusetts income tax laws are explicated. Legally guaranteed rights are listed which apply specifically to visually impaired, hearing impaired, epileptic, and physically handicapped children (such as rights pertaining to automobile plates and taxes, use of public buildings, state and federal housing, recreation, and talking books). Appendixes provide information on legal resources, ways of communicating with and influencing legislators, agency resources, and parent and self-help groups. (GW)

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**RIGHTS HANDBOOK  
FOR PHYSICALLY HANDICAPPED  
CHILDREN**



**A demonstration project in advocacy  
for physically handicapped children**

**CHILD ADVOCACY PROJECT**

**GRANT #05G-O-72-5315**

**Easter Seal Society for Crippled Children and Adults  
of Massachusetts, Inc.**

**National Easter Seal Society for Crippled Children  
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**CHILD ADVOCACY PROJECT STAFF**

**William D. Power, Project Director**  
Bonnie Adams  
Betsy Anderson  
Clementina Brown  
Ellen . \*plovitz  
Janet Minch  
Anne Pratt  
Judy Riegelhaupt  
Ellen Wozniak  
Martha Ziegler

**Chairman of Task Force on Rights Handbook:**

**Henry Porter, Esq.**

**Logo Design by George Favreau**

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**Easter Seal Society for Crippled Children and Adults  
of Massachusetts, Inc.**

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and Adults, Inc.**

## ABOUT THIS HANDBOOK

This handbook tells about many of the laws which may be of interest to handicapped children in Massachusetts or their parents. One intent is to bring these laws to your attention. Many of the laws and examples may not apply to your specific situation. Some guidelines to securing your rights or developing further rights are included. However, if you find your legal rights are being questioned or denied, legal advice should be sought from a lawyer.

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### CHILD ADVOCACY PROJECT

Easter Seal Society for Crippled Children and Adults  
of Massachusetts, Inc.

National Easter Seal Society for Crippled Children  
and Adults, Inc.

14 Somerset Street  
Boston, Massachusetts 02108

April, 1974

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## INTRODUCTION

The purpose of this handbook is to help parents of handicapped children understand and use legislation which exists to open the door to opportunities in a variety of areas: education, training, medical services, and tax and social security benefits. A disabling condition should not and does not deny an individual rights to life, liberty and the pursuit of happiness. Parents, armed with a knowledge of the law, can more effectively advocate for the rights of their children.

This handbook is an effort to research Massachusetts law and appropriate federal legislation. It provides background to securing rights and services for physically handicapped children. Some agencies with whom parents will come in contact may be unfamiliar with the legislation and it may be a long, hard effort to secure a child's rights. In the long run it will be worth the effort.

In the back of the book, you will find a list of parent groups which have had experiences dealing with bureaucracies. This resource of support is invaluable to an individual parent. Parent groups also provide opportunities to find non-legal solutions for mutual problems.

Part I of the Book deals with the law as it affects all physically handicapped children and may apply to other children with special needs. Part II focuses on rights to special services for specific handicaps. The Appendices are designed to help parents use the book most effectively. Included is information on how to secure your rights and suggestions on how to develop new rights.

The use of this book may reveal the need for additional legislation, changes in existing service structures, or group action to break down barriers to equal opportunity. The Child Advocacy Project of the Easter Seal Society for Crippled Children and Adults of Massachusetts, Inc. will try to assist parents in meeting these needs.

Bradford H. Johnson, J.D., researched and compiled the legal information. Child Advocacy Project staff primarily responsible for the writing of the handbook were Janet Minch, Coordinator; Betsy Anderson and Martha Ziegler.

## PART I. LAWS AFFECTING ALL HANDICAPPED CHILDREN

### CHAPTER 1. EDUCATION

FOR ADDITIONAL INFORMATION ON SPECIAL EDUCATION AGENCY RESOURCES, SEE APPENDICES D AND E.

By law, every child in Massachusetts has the right to a free, publicly supported education. That right belongs to handicapped children as well as to others. Furthermore, that right to an education means an education that meets the child's needs.

### CHAPTER 766 - THE BARTLEY-DALY LAW

Starting in September, 1974, it should become easier for handicapped children in Massachusetts to claim their right to a meaningful education. At that time the state's new special education act, Chapter 766 of the Acts of 1972 (also known as the Bartley-Daly Law), will become legally effective.

Beginning in September, 1974, local school districts must provide or arrange an appropriate education for every child with special education needs. Local schools will receive financial support and professional guidance from the State Department of Education.

Under the new law, school programs will be required to stretch to fit the child instead of the other way around as usually has happened up to now.

Because many school systems and most parents are looking ahead to implementation of the new law at the time this handbook is being prepared, the major portion of this section is based on the new law.

### PLACEMENT BEFORE SEPTEMBER, 1974

If your child needs a special education program of any kind before September, 1974, you should get information from the Child Advocacy Project, Easter Seal Society, 14 Somerset Street, Boston, 227-9608, or from one of the consumer organizations that represent children with needs similar to your child's. (See Appendix E.)

## REGULAR PUBLIC SCHOOL CLASSROOM

Under the new law, your child has a legal right to enroll in a regular class in his neighborhood school with children his age. If he has a handicap requiring highly specialized training you may prefer to have him placed elsewhere, at least part of the time. HOWEVER, UNDER THE NEW LAW, YOUR CHILD HAS A LEGAL RIGHT TO REMAIN IN REGULAR CLASS UNTIL SUCH TIME THAT A THOROUGH EVALUATION OF HIS EDUCATIONAL NEEDS CONVINCES YOU THAT HE WOULD BE BETTER SERVED IN SOME OTHER SETTING.\*

The right to regular classroom applies no matter how severe you child's physical handicap may be, so long as you, the parents, the child's doctor, and the child himself feel that it is not dangerous for him to go to school. Even if your child must wear braces or a cast or stay in a wheelchair, he has a right to go to regular class.

## EVALUATION

If you think your child needs special education services, talk first with the child's present classroom teacher. Either the teacher or you, or both, should then refer your child to the Core Evaluation Team. (Referral also may be made by other school officials, a family physician, a social worker, a judicial officer, or person other than the parent who has custody of the child. However, you must be told who that person is.)

The Core Evaluation Team is a group of professional persons, including a chairman who has training in special education, hired by your school committee to conduct evaluations of children with special needs and to develop educational plans for them. For the evaluation of a particular child the Team is expanded to include the child's present teacher, specialists if needed, and you the parent - UNLESS the CET decides to exclude you.

If the Core Evaluation Team decides not to include you and you think you belong there, take the following steps, in

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\*The only way your child can legally be excluded from a regular classroom if you want him there is for the school committee to convince a court that keeping the child in a regular classroom constitutes a danger either to himself or to others. In the event of such a court order, the school committee still must provide a temporary educational placement for him until the CET, you, and the Department of Education can agree on a longer-term program.

this order, until either you are included or you are given a GOOD reason not to be included:

1. Talk to your child's classroom teacher.
2. Talk to any member of the Core Evaluation Team who is someone you know.
3. Talk to the Special Education Administrator in your school system. If he or she disagrees with you, ask for an explanation in writing.
4. Contact your Regional Advisory Council (at least half the members of these councils must be parents of children in special education programs). For a name and phone number, call your Regional Office of Special Education, the Child Advocacy Project, or your regional Easter Seal Society office. These numbers are listed in Appendix D.

## EDUCATION PLAN AND PROGRAM PLACEMENT

After the evaluation, the Core Evaluation Team must develop an educational plan that meets your child's particular needs. The plan may require that your child spend most of his time in a regular classroom and receive extra services, such as special transportation, assistance in the bathroom, tutoring, therapy of various kinds, giving medications, etc.

Or, the Core Evaluation Team may recommend that your child spend some portion of his day, maybe even the whole day, in a special setting that best meets his educational needs.

The special setting may be a resource room that is utilized by all children in the school, not just handicapped children. Or, the Core Evaluation Team may recommend that your child be placed in a separate special education class of one form or another. (See "Special Education Class," below.)

## DISAGREEMENT WITH THE CET AND OTHER PROBLEMS

If you, the parent, disagree with the recommendation of the Core Evaluation Team, under 766 you have a right to secure a second, independent evaluation at a state operated facility (such as a mental health or public health clinic) and a third independent private evaluation at your own expense.

A series of legal appeals is available to you if you still are not able to reach an agreement about your child's program with your school officials.

IF YOUR CHILD IS EXCLUDED FROM SCHOOL BECAUSE OF HIS HANDICAP, OR

IF YOU HAVE TROUBLE SECURING AN ADEQUATE EVALUATION OF YOUR CHILD'S EDUCATIONAL NEEDS, OR  
IF YOU DISAGREE WITH THE CORE EVALUATION TEAM'S RECOMMENDATION, OR  
IF YOU HAVE TROUBLE ARRANGING THE APPROPRIATE SPECIAL PROGRAM OR OTHER SPECIAL SERVICES,  
EVEN THOUGH YOU HAVE TALKED WITH MEMBERS OF THE CORE EVALUATION TEAM AND YOUR SPECIAL EDUCATION ADMINISTRATOR, THEN, CONTACT YOUR REGIONAL OFFICE OF THE DIVISION OF SPECIAL EDUCATION.  
(See Appendix D for numbers.)

If, for any reason, you are not satisfied with the response from the Regional Office of Special Education, contact the Child Advocacy Project, or your regional Easter Seal Society (see Appendix D), or one of the consumer organizations listed in Appendix E.

## SPECIAL EDUCATION CLASS

A child with a handicap that severely interferes with learning - some cases of blindness, deafness, severe mental retardation, severe emotional disturbance, or a combination of handicaps - may learn best in a special education class with a smaller number of children who have educational needs similar to his. He may need the special class for only part of the day, or he may need it for the full day at least temporarily.

If your child needs such a class and if the school district does not have enough children similar to your child and close in age, the Special Education Coordinator should try to find or establish a regional collaborative class including children like your child who live in nearby towns. You may need to remind him that the new special education law (Chapter 766 of the Acts of 1972) requires the school district to make every effort to find a public school special class for your child.

Furthermore, the school district must supply your handicapped child with free, appropriate transportation to school.

School officials can be very imaginative in coming up with reasons why your handicapped child should not go to school. You may hear reasons such as liability insurance, fire hazard, or even that your handicapped child somehow constitutes a danger to the other children. DO NOT ACCEPT EXCUSES SUCH AS THESE, FOR YOUR CHILD HAS A LEGAL RIGHT TO GO TO SCHOOL.

If you are told that your child cannot go to school, or that he may not enroll in a regular class, simply because he has a physical handicap, get advice on what you can do. For help, contact the Bureau of Child Advocacy, Division of Special Education, Massachusetts Department of Education, 182 Tremont Street, Boston, 727-5440. (If you live far from Boston, it may be better first to contact your Regional Office of the Division of Special Education. Phone numbers are listed in Appendix D.)

If for some reason the Bureau cannot help you, contact the Child Advocacy Project, Easter Seal Society, 14 Somerset Street, Boston, 227-9608, or one of the consumer organizations listed at the back of the book.

## HOME TUTORING

If your child really is physically unable to attend school, even for part of a day, he still has a right to have a teacher come to his home or hospital. For more information about home and hospital programs, such as the legal minimum of hours, equipment, and curriculum, contact your Regional Office of Special Education.

## THE RIGHT TO SPECIAL EDUCATION SERVICES

If your child has a handicap that interferes with his ability to learn - for instance, visual or hearing impairment, perceptual handicap, or some form of developmental disability - he has a right under the new law to receive effective special education services.

Whether your child is in a regular classroom, at home, or in some other program, if there is some reason to believe that he has a handicap that requires special education training, under the new law he has a right to a full evaluation, free of charge, by a specially trained team in your school system. These people constitute the Core Evaluation Team.

The chairman and the other members of the Core Evaluation Team, along with you, the parent, decide whether your child should have a full core evaluation or if he needs only a shorter, simpler form of evaluation.

You have the right to insist upon and receive a full core evaluation for your child if you desire it. Also, you have the right to insist upon and receive a simpler form of evaluation if you feel that the full core evaluation is unnecessary or may be harmful to your child. Evaluation of your child must not depend solely on the results of standardized or local tests.



## PRIVATE DAY SCHOOL

It is possible that your child would best be served by going to one of the many state-approved, state-supported private day schools in Massachusetts. If you decide on such a program, contact one of the consumer organizations listed at the end of this booklet to get information about other parents' experiences with the schools you are considering for your child.

However, you should not accept exclusion of your child from public school unless you are fully convinced that an alternative special program would be better for him.

## OTHER RIGHTS

### LEGAL OR OTHER ASSISTANCE

The new special education law gives you, the parent, the right to bring along a lawyer, or anyone else you choose to help you, to any conference you attend regarding your handicapped child.

### TRANSPORTATION

Your handicapped child has a legal right to free transportation to and from school. No matter where your child goes to school, public or private, the new law requires your school district to provide and arrange suitable transportation for your child.

### ANNUAL RE-EVALUATION

Once your child is enrolled in a special education program, even one that he attends only for an hour each week, or if he is already enrolled in a special education program at the time the new law takes effect (September, 1974), he has the right to a formal evaluation once every year. This annual evaluation (which is not a substitute for the continuing evaluation and assessment that take place in every good program) is important to make sure that your child is enrolled in the program that is best for him.

If at any time, you disagree with the annual evaluation of your child and his program, you have a right to the same appeal process that you had at the time your child was originally evaluated and placed in a special education program.

## CHILDREN IN STATE INSTITUTIONS AND OTHER RESIDENTIAL CARE

Your child has a right to an education, no matter where he resides, whether in a private residential treatment center, in a state school for the retarded, in a state hospital, in a nursing home, or any other residential institution. Furthermore, that education must meet standards set by the Division of Special Education.

## RIGHT TO REMAIN IN PRESENT PROGRAM

The new law contains a carefully worded safeguard that guarantees that no child can be removed from the program he is enrolled in at the time the new law becomes effective (September, 1974) without the consent of his parents or guardian.

## LANGUAGE OTHER THAN ENGLISH

All communications to you concerning your handicapped child, including forms to fill out and sign, must be written in your primary language. You have a right to the service of an interpreter at all conferences concerning your child.

## RECORDS OF CONFIDENTIALITY

Chapter 766, combined with other recent legislation, gives you, the parent, the right to read your child's records. Chapter 766 also guarantees that those records will otherwise be kept confidential.

Sign a form releasing your child's records to another school or agency **ONLY IF YOU ARE FIRST ALLOWED TO READ THE RECORDS YOU ARE RELEASING.**

Do not sign any forms concerning your handicapped child unless you are absolutely sure you understand all of the implications of what you are signing. If you have questions, contact the Bureau of Child Advocacy, Division of Special Education, 182 Tremont Street, Boston, 727-5440. If you still feel uncertain, contact one of the consumer organizations listed at the back of this booklet.

## PROTECTION FOR PARENTS OF HANDICAPPED CHILDREN

The new law contains a clause that states that parents of children with special needs shall not be required to perform any duties not required of other parents in the schools. Furthermore, the law requires that social services

such as guidance and counseling) be made available free of charge to the child's parent or guardian when such services are part of the child's special education program.

## EXPANDED AGE RANGE FOR SPECIAL EDUCATION SERVICES

Chapter 766 covers children with special education needs from age 3 through 21, or attainment of a high school diploma. If your child is substantially handicapped, your school district must supply or arrange a pre-school program for your child when he reaches the age of three.

Likewise, your school district must continue to educate your handicapped child, in a program agreed upon by you and the Core Evaluation Team, until he reaches 21 or graduates from high school. The recommended program may be a vocational, pre-vocational, work-study, academic, or other type of program.

If you have trouble arranging either a pre-school program or a high school or vocational program for your child, contact your Regional Office of the Division of Special Education. (Phone numbers and addresses are listed in Appendix D.)

## SOURCES FOR MORE INFORMATION CONCERNING CHAPTER 766

Massachusetts Teachers Association  
Special Education Advisory Committee  
20 Ashburton Place  
Boston, MA 02108  
(617) 742-7950

Coalition for Special Education  
251 Massachusetts Avenue  
Arlington, MA 02174  
(617) 861-8515; 227-9608

Office for Children  
120 Boylston Street  
Boston, MA 02116  
(617) 727-8900

## EDUCATION HANDBOOK FOR STUDENTS, PARENTS AND PROFESSIONALS

Massachusetts Advocacy Center and the Massachusetts Law Reform Institute have published a booklet entitled Making School Work. It is available free to parents and students and costs \$3.95 to any others interested. This handbook deals with the rights of all children regarding education.

It covers school attendance, discipline, programs and services (free lunches and breakfasts, bilingual education, special education, vocational education), issues and practices (access to school records, tracking, discrimination) and the general role of parents. It has appendices covering writing letters to school officials, legal services, a list of organizations and a directory of the State Department of Education. It is available from:

Massachusetts Advocacy Center  
2 Park Square  
Boston, MA 02116  
(617) 357-8431

## CHAPTER 2. MEDICAL AFFAIRS

### HEALTH INSURANCE

Massachusetts General Law Chapter 175, Section 108 says that if a child is mentally or physically incapable of earning his or her own living and "due proof" of this incapacity is given within 31 days of a notice of termination of policy, then the policy must continue to insure such child while the policy is in force and such incapacity continues.

Most policies stop coverage for children at the age of 18 or 21 unless notified. For example, persons eligible for Blue Cross or Blue Shield membership under their handicapped child underwriting regulations include:

(1) Handicapped children of parents having Blue Cross membership are covered under their parents' membership until their 19th birthday. At that time they are given their own membership which is free until Blue Cross is notified that the person is gainfully employed. This application must be made within 60 days of the person's 19th birthday if waiting periods are to be waived. (This is an example of group policy benefits.)

(2) If a handicapped person over nineteen years of age applies for Blue Cross membership as a new member he must pay quarterly premiums and satisfy an eight month waiting period for pre-existing conditions. (This is an individual policy benefits example.)

### INDIVIDUAL POLICY COVERAGE

A family who does not have group insurance through place of

employment most often has an individual policy. If your family already has such a policy, then you may want to re-read the information available about it or call the insurance company to ask questions. If you do not already have a policy and you need one specifically because of your handicapped child, you will probably have a difficult time getting one. In many cases, insurance companies simply will not cover persons with disabilities, or will cover the person but will add an additional charge to the basic cost of the policy. In these cases companies will usually not give out information on costs until you have filled out their forms. After checking with the doctor(s) involved they make a decision.

However, if you cannot get insurance coverage then it is quite likely that you may be eligible for Handicapped Children's Services or Disability Assistance. Be sure when you call them that when your income is asked, you explain that you have no insurance coverage.

## GROUP POLICY COVERAGE

Most people are able to get group insurance coverage through their place of employment. This kind of insurance is generally relatively inexpensive and pays for many kinds of services. Although your family cannot be refused as part of a group plan at your place of employment, it is still possible that some individuals or specific situations may not be covered. Your employer will have signed a contract with whichever insurance company is handling the group plan. You should ask your employer or the insurance company if the contract excludes any medical conditions or contains any clauses which might affect your family. You may ask to see a copy of the contract which your employer will have. Additionally, if you have questions or problems you should call or write the Massachusetts Insurance Division at 100 Cambridge Street, Boston, telephone 727-3352. All insurance contracts must be filed there. (Note: If you are a state, county, or municipal employee, you should call or write the Group Insurance Commission, 89 Causeway Street, Boston, telephone 727-2310.)

The contract will list the benefits as well as the exclusions, that is, those conditions or situations not covered by the plan. Each contract is different and the one signed by your employer may cover every disability, service, and equipment; or it may not cover some conditions or situations. For example, excluded may be open heart surgery, kidney transplants, or coverage generally for people born with certain disabilities. It is these exclusions you will need to know about. Also, some insurance policies will begin coverage for the person with a disability later than

for other members of the same family. The contract will describe this or other waiting periods.

If your employer is terminating your employment, Massachusetts General Laws Chapter 149, Section 1780, says he must notify you, within 10 business days, of the date your insurance coverage will stop. This can be done within a 30 day period. However, note that the insurance company does not have to provide you with the same sort or amount of coverage that you previously had under your group plan.

## GENERAL INFORMATION

Group and individual plans generally have booklets available which describe the coverage. Ask your employer or write or call your insurance company. (Please keep in mind though that if a particular condition is not covered the information booklet may not mention it - only the contract will for sure.) Once you have determined that your child is covered by the plan you will want to read the booklet carefully to see specifically what benefits are given and how much the insurance company will pay.

1. These booklets are frequently difficult to understand so you should not hesitate to call or write the insurance company to ask for clarifications.

2. If you have already received a bill for services, equipment, etc. and there is any doubt in your mind about whether it will be paid by your insurance, fill out the claim form supplied by your insurance company and send it, with a copy of the bill, to the insurance company. They will certainly let you know if they do not pay for such items and will return your bill.

3. If you disagree with the insurance company about any aspect of your coverage then you should contact the Massachusetts Insurance Division, at 100 Cambridge Street, Boston, telephone 727-3352.

4. Once you have received a bill for services, equipment, etc., you should notify the insurance company right away to make your claim. (Fill out the claim form supplied by the insurance company and send it, with the bill to the insurance company.) The insurance company has the right to investigate the claim if they wish to. (On occasions, insurance companies have legally refused to pay claims because the time lapsed has been so long they have said they could not investigate.)

5. Some policies may have a yearly limit to the amount of money the insurance company will pay or they may accumu-

late the amounts over the years. That is, the amounts the company pays out may be totalled each year, and when the limit is reached, the company will not pay any more. You should know this if you anticipate that your child's expenses may exceed whatever amount is your policy limit.

6. Some policies will not pay for treatment for the same condition more than once during a certain period. Example: Suppose your child needs to have a series of operations done within a 6 month period, and if your doctor agreed, you might wish to space the operations so that you could get full coverage. Obviously you would only do this with your doctor's consent.

7. If your child has developed his disability since the time your group or individual policy began, the insurance company may try to refuse to cover your child and notify you of a termination date. If you can show proof of mental or physical incapacity for earning his or her own living to the insurance company within 31 days after the termination date, they must insure the child while the policy is in force and the incapacity continues. Finally, keep in mind that leaving, losing, or changing jobs, and sometimes even transferring within the same company, are all critical times for insurance coverage.

## ACCESS TO HOSPITAL RECORDS

### The Right to Examine Your Child's Hospital Records

Under Chapter III, Section 70 of the Massachusetts General Laws, all hospitals or clinics licensed by the Department of Public Health or supported in whole or in part by the Commonwealth must keep records of the treatment and medical history of the patients under their care. These records may be inspected by the patient or his attorney as a matter of right. A copy of the records must be provided upon payment of a reasonable fee. A patient's records must be kept for 30 years after discharge or final treatment.

Since this law opens records to patients or their attorneys, it is reasonable to assume that parents of children who are patients may also have the right to examine hospital records and receive copies of these records upon payment of a reasonable fee. If you are denied access to your child's hospital records call the Child Advocacy Project at 227-9608.



## MEDICAID

Your handicapped child's medical expenses may be wholly or partially paid through Medicaid.

### WHO IS AUTOMATICALLY ELIGIBLE?

Persons receiving Old-Age Assistance, Aid to Families with Dependent Children, Aid to the Permanently or Totally Disabled (Disability Assistance) or Aid to the Blind (Disability Assistance) and their dependents are automatically eligible for Medicaid. The spouse of a handicapped person receiving Old-Age Assistance, Aid to the Permanently or Totally Disabled (Disability Assistance) is also eligible for assistance if this person is essential to the care of the handicapped person.

If you are receiving aid under one of these programs, your welfare worker will issue to you the Medicaid identification card.

As of January 1, 1974, those people who are receiving or wish to apply for Disability Assistance, Aid to the Blind and Old-Age Assistance will apply through their local Social Security Office. If eligible these people will then be automatically eligible for medical assistance.

### PERSONS WHO MAY BE ELIGIBLE

Even if you are not receiving public assistance of any kind, you and your dependents might still be eligible for Medicaid. Your eligibility would be determined by a review of your family's income and resources. Applied against the income would be allowable exemptions such as your family's medical expenses and the number of people in your family. Your local welfare service office will determine your eligibility. If you have difficulty paying your medical bills, or if you feel your child is going without needed medical care, you should inquire about applying for Medicaid.

### WHAT ARE THE BENEFITS?

The Medicaid program in Massachusetts provides many benefits. If your child is eligible for Medicaid, it can cover the following services when they are medically necessary:

1. Visits to the medical doctor
2. Visits to hospital, out-patient or emergency rooms
3. Visits to the dentist

4. Visits to any kind of doctor licensed by the Commonwealth and participating in the Medicaid program
5. Inpatient hospital care
6. Nursing home
7. Drugs prescribed by a doctor
8. Lab-testing or x-ray
9. Home Health or services of an approved home health agency
10. Eye glasses and false teeth
11. Private nursing when prescribed by a doctor
12. Physical therapy and related services
13. Transportation, under certain circumstances, to get to the doctor or the hospital
14. Ambulance rides and oxygen under certain circumstances, but always in an emergency

Of special benefit to handicapped persons are such items as artificial limbs, hearing aids, braces, wheelchairs, speech and occupational therapy, physical therapy and home health services.

Medicaid will only pay for those medical services which you received 90 days prior to filing your Medicaid application. Your application must be approved based on your eligibility at the time of the service and the service must not have been previously paid for.

## HOW TO APPLY

The best way to apply for Medicaid is to contact your local Welfare Service Office. To find out what office is nearest your home, look through the telephone book until you locate "Massachusetts, Commonwealth of". Under this heading, look for "Public Welfare Department". Call them, explain where you live, what benefits you are seeking and ask where to apply. You may be asked to fill out a Medicaid Application, Form SS-37.

If you cannot go in person to pick up an application, write to the local Welfare Office closest to you.

After you fill out the Medicaid application, take it or send it to your local Welfare Service Office. You may be asked to submit copies of the following: your birth certificate, doctor's bills, and information about your family income and personal property (such as wage checks and savings account information), to the local Welfare Office. (For your records, it may help to send these copies by registered mail.) The Welfare Workers will determine whether or not you qualify for Medicaid and/or any other type of public assistance. You have a right to be notified

of their decision within 30 days. If you receive no answer within 30 days, contact the Welfare Office to see what the reason is and then see an attorney at a local Legal Assistance Project if additional assistance is necessary (see Appendix B).

## RIGHT TO APPEAL

If you have been denied Medicaid, you have the right, by law, to a fair hearing. You should go to the Medicaid Office and ask for a form (SS-10) to file an appeal. They must give you this form. Fill it out and mail it to the designated address as soon as possible. You will be notified by mail of the date and location of a hearing.

You should bring to this hearing a lawyer or a friend who is knowledgeable about Medicaid. At the hearing, you have a right to see any written records the representative from Medicaid presents to the referee (the person who makes the final decision). You also have the right to call witnesses, submit evidence to support your case and cross-examine any witness called by the Medicaid Office. The procedure used at these hearings is very informal.

If the decision of the hearing is against your wishes, you have the right to go to court and seek a change in your favor. See an attorney before you do this. A local Legal Assistance Project is a good place to find an attorney experienced in dealing with Medicaid problems (see Appendix B).

## FOR MORE INFORMATION

For more information concerning Medicaid eligibility, benefits and rights, go to your nearest Public Welfare Office or a local legal assistance office.

For a booklet explaining in more detail the Medicaid system, write to: Massachusetts Law Reform Institute, 2 Park Square, Boston, Massachusetts 02116 and request a booklet entitled, "Using Medicaid." There is no charge for this booklet.

## HANDICAPPED CHILDREN SERVICES (formerly Crippled Children's Services)

Within the Massachusetts Department of Public Health, Handicapped Children Services offers diagnostic services, evaluation and continuing medical care to handicapped children

in the following areas: orthopedic, neurology, cardiac, plastic, myelodysplasia (defects of the spinal cord), multiple handicaps and chronic diseases.

Medical care for evaluation, diagnosis and treatment of these conditions is provided with financial support coming from third parties when the child is covered by an insurance policy of Medicaid. In other cases, the cost depends upon the parents' ability to pay and the amount of funds available through the department.

Children may be accepted for services on referral from private physicians, hospitals, community services, schools, parents and other individuals. Except for those programs based at medical centers (i.e. chronic disease program), intake is through the particular regional or local clinic that will be primarily responsible for the child's management.

## CARE PROVIDED

Handicapped Children Services offers diagnosis, evaluation, and treatment including hospitalization, laboratory studies, radiographic evaluation, and drugs and equipment, such as braces, special shoes, etc. The program also provides social services, physical therapy, nursing, counseling and other comprehensive services as part of the overall clinic care delivery to the child. These programs require use of physicians provided through HCS.

## HOW TO APPLY

For application or information about Handicapped Children Services, call or write to one of the Department of Public Health regional offices, listed below.

### REGIONAL OFFICES

Northeast Regional Public Health Office  
Tewksbury Hospital  
Tewksbury, MA 01876  
(617) 851-7261

Southeast Regional Public Health Office  
Lakeville Hospital  
Lakeville, MA 02346  
(617) 947-1060

Barnstable County Health Department  
Barnstable County, MA 02630  
(617) 362-2511

## REGIONAL OFFICES (con't.)

Central Regional Office  
Rutland Heights Hospital  
Rutland, MA 01543  
(617) 886-6111

Western Regional Health Office  
University of Massachusetts  
Public Health Unit  
Amherst, MA 01543  
(413) 545-2563

Pittsfield District Health Office  
246 North Street  
Pittsfield, MA 01201  
(413) 443-4476

Boston Office  
39 Boylston Street  
Boston, MA 02116  
(617) 357-5002

## CHAPTER 3. SOCIAL SECURITY BENEFITS AND SUPPLEMENTAL SECURITY INCOME

### SOCIAL SECURITY BENEFITS

Social Security defines a disability in the following way:

"The inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment or impairments which can be expected to result in death or which have lasted or can be expected to last, for a continuous period of not less than twelve months."

### THE CHILD'S INSURANCE BENEFIT

Prerequisite: A handicapped child may be entitled to a child's insurance benefit under Social Security if he or she:

1. Is the child of: (a) an individual entitled to old age insurance benefits or disability benefits under Social Security; or (b) an individual who was fully insured under Social Security at the time of death.

2. Was dependent upon the parent on whose earnings the child's insurance benefits are claimed.

3. Is unmarried at the time an application for benefits is filed.

4. At the time of application: (a) has attained the age of eighteen; or (b) has not attained the age of twenty-two and is a full-time student; (c) has a disability which began before he attained the age of 22.

The amount of benefit depends on the earnings of the parent under whom the handicapped child is making claim.

## END OF BENEFITS

The handicapped child's benefits continue for life or as long as he has the disability unless he:

1. Is adopted after the death of the person on whose earnings his benefits depended, unless he is adopted by a step-parent, grandparent, aunt, uncle, brother or sister.

2. Is eighteen or older and marries someone not entitled to Social Security Insurance benefits.

3. Is able to engage in substantial gainful employment.

If the parent upon whom the benefits depend is under sixty-five and ceases to be entitled to insurance benefits under Social Security, the handicapped child's insurance benefits will cease. If the child ceases to be handicapped, his benefits usually end the third month after the handicap ceases. If none of the above things mentioned happen, the handicapped child's benefits will continue for his entire lifetime.

## MOTHER'S INSURANCE BENEFITS

An additional mother's insurance benefit is available under Social Security for widowed or divorced mothers who meet all of the following requirements:

1. Is a divorced mother or the widow of someone who died, fully or currently insured under Social Security.

2. Is caring for a child of such a person entitled to child's insurance benefits.

3. Is not presently married.

4. Is not entitled to old age Social Security benefits or not entitled to more than three-fourths of the old age benefits of anyone who dies fully or currently insured under Social Security.

## HOW TO APPLY

1. Go to your local Social Security office. You can find out where this is by looking in the telephone book under "Social Security Administration." Go to the one closest to your home. If you live in Boston, call Social Security at 423-3700 and ask for the address of the local office you should visit.
2. You should bring with you: (a) Medical evidence proving the disability. A report signed by a licensed physician or a certified copy of a hospital medical record is acceptable if it gives the details of the handicap; (b) Evidence that the disability began before the person claiming was eighteen. This can be included as part of the medical reports; (c) Proof of age such as a birth certificate; (d) Proof of the relationship of the child to his parents (i.e. birth certificate, court decree). Do not give out original documents.
3. After you apply, the Social Security office will determine if you are entitled to benefits and how much you will receive.

## HOW TO APPEAL

If you think you are wrongly refused benefits or if you think your rightful benefits should be larger, you can appeal the decision. To appeal:

1. Ask the local office for a redetermination. In other words, ask them to check the facts and again tell you how much you should receive in benefits.
2. After they give you a redetermination, and you still think something is wrong, request a hearing. This hearing will be held before a hearing examiner. You can secure a hearing by filling out form HA-501. You can get form HA-501 at any branch or district office or you can write to the Bureau of Hearings and Appeals, Social Security Administration, Washington, D. C. 20203. File it at a branch office or the district office of Social Security.
3. No matter what the hearing examiner does with your case, even if he refuses you a hearing, if you disagree with the decision of his action, you can request a review



of his action by the Appeals Council. Use form HA-520 to request a review. Send it to the address given in paragraph #2.

4. Finally, if you don't get satisfaction from following all the above steps, you can go to the U. S. District court having jurisdiction. See a lawyer before you do this. See Appendix B.

## SUPPLEMENTAL SECURITY INCOME

As of January, 1974, people in financial need who are blind, disabled, or 65 years of age or older, may be eligible for Federal financial payments. Cash payments will be made monthly to people who have very little cash income and little savings or assets. Overall, the program aims to provide a basic cash income to those in need.

### WHO CAN QUALIFY?

If a disabled child is under 18 years old the eligibility will depend on the income and assets of the whole family. When a disabled child reaches the age of 18 he or she will be considered under those qualifications which apply to an individual so long as the child was disabled before age 18. Specific information regarding amount of earnings and other income (such as Social Security benefits, veterans payments, workman's compensation, pensions, or insurance annuities) and/or assets (things you own) will be reviewed by the Social Security Administration to determine whether or not the child can qualify. If you think you may be eligible, then you should apply.

### HOW TO APPLY

The Social Security Administration will run this new Federal program, but Supplemental Security Income is not the same as Social Security. This money is taken from general funds of the U. S. Treasury. If you believe you are eligible, write or call your local Social Security office. To find the telephone number look under Massachusetts, Commonwealth of, in the phone book, and look under Social Security Administration. They will give you more information about this program or answer any questions you may have.

## CHAPTER 4. RIGHTS CONCERNING EMPLOYMENT AND VOCATIONAL TRAINING

The Massachusetts Rehabilitation Commission (MRC), whose funds primarily come from the federal government, offers services designed primarily for preparing handicapped persons for employment. The sole purpose of this state agency is to help handicapped people gain employment. MRC does not supply medical or other services to a person who has no employment potential.

MRC will evaluate your son or daughter (hereafter referred to as the client) and determine his or her potential for working. If MRC officials believe a person can be employed, they will undertake a rehabilitation program, no matter how difficult.

### HOW TO APPLY

- (1) Get in touch with the local office of the MRC. A list of the Regional Offices can be found in Appendix D.
- (2) These offices will explain the latest policy and the process by which a client's eligibility is determined.

### WHO IS ELIGIBLE?

- (1) A client should be approximately 15 years old.
- (2) A client must be a resident of Massachusetts.
- (3) A client must meet three qualifications:
  - (a) have a physical or mental disability (mental meaning retardation, emotional disturbance, or psychological problem);
  - (b) have a substantial employment handicap;
  - (c) the MRC must feel that it will be able to prepare the client for gainful employment.

### HOW IS EMPLOYMENT POTENTIAL DETERMINED?

To determine employment potential the MRC will arrange examinations, at no cost, to determine the extent of disability. When appropriate, psychological tests, also at no cost, will be given. Vocational testing, at no cost, will determine the range of jobs to which a person is best suited.

## WHAT SERVICES ARE PROVIDED?

Some of the services that may be arranged are:

1. Medical services such as hospital care, psychiatric consultation, surgery, therapy, wheelchairs, artificial limbs, hearing aids, medicine and glasses.
2. Counseling and guidance to help a client understand his strengths as well as the limitations arising from his disability.
3. Job training in a sheltered workshop, trade or commercial school, rehabilitation facility, college, on-the-job training, or training in the home.
4. Maintenance and support during rehabilitation.
5. Equipment such as tools, licenses and books.
6. Initial stocks and supplies for a small business.
7. Placement in a job with an employer.
8. Counseling once the client has secured a job to make sure that both the client and his employer are satisfied.

## OTHER THINGS TO KNOW ABOUT MRC

By "gainful employment" MRC means a regular job in the competitive labor market, a profession, self-employment, homemaking, or agricultural work. The work may be done outside or at home.

A client need not be unemployed to take advantage of MRC's help. He or she may be underemployed or may need assistance to maintain a present job.

MRC is primarily federally funded. The amount of services a client will receive depends entirely on how much money MRC has to go around. Priorities established to help as many people as possible may prevent your son or daughter from receiving all that he/she might ideally receive. Statutory limitations may also restrict services.

If the person to be served by MRC is under 21, the family, if they are able, may be asked to contribute toward payment of some of the services.

If the person is over 21 the family may be asked, but cannot be required, to contribute. However, the financial policy is flexible and it should not prevent anyone from using MRC services. There is never any charge for testing or examination services.

MRC is established so that the Commonwealth may make better use of its human resources. A list of the Regional offices of MRC can be found in Appendix D.

## WHAT TO DO IF YOUR SON OR DAUGHTER IS NOT ACCEPTED FOR REHABILITATION

If your son or daughter is denied services entirely or if you are not satisfied with the services he/she receives from the Massachusetts Rehabilitation Commission, you have a right to a review and redetermination of the Commission's decision. You can ask your counselor or the Area Office Supervisor of the Commission for a review.

If you are dissatisfied with the results of this review, you should apply for a hearing. You will be advised of your right to such a hearing after the initial review. At this point you may also contact the Ombudsman, (727-2184) to discuss the problem. The Ombudsman's duty is to the client. He will help you to understand the process, explain alternatives and suggest actions you may wish to take. Before the hearing is held you will be given notice of the time and place so that you can prepare for the hearing. You have a right to bring an attorney or any other person to represent you at this hearing. The client is responsible for the attorney's fee. If the client has a hearing impairment MRC will provide an interpreter at the hearing.

MRC will try to see that the officials presiding at this hearing have not taken part in the case up to that time. You will get the chance to cross examine witnesses and present the evidence and reasons why you disagree with the Commission's action. A transcript and official report of the hearing, all papers and reports filed in the hearing, and the hearing officer's recommendation will be the sole factors in the final decision. These materials will be available to you.

## EXEMPTION FROM MINIMUM WAGE LAWS

If your son or daughter's disability prevents him from normal, productive work, he/she could gain employment at a pay rate below minimum wage. To do this, his/her employer would apply for a special certificate from the Commission of

Labor and Industry (Massachusetts General Laws Annotated, Chapter 151, Section 9). However, as a general rule, you should not consider a job at less than minimum wage unless the work is in connection with a sheltered workshop. Before allowing your son or daughter to work for less than the minimum wage in private industry, you should have his/her ability tested, at no charge, by the Massachusetts Rehabilitation Commission.

If your son or daughter is performing regular work he has the right to a minimum wage. For more information call: Department of Labor and Industry, Division of Minimum Wage, 100 Cambridge Street, Boston, Massachusetts, (617) 727-3476 or one of the regional offices listed in Appendix D.

## RIGHT TO NONDISCRIMINATION

Massachusetts law (Massachusetts General Laws Annotated Chapter 149, Section 24K) makes it illegal for an employer to refuse to hire or to fire any handicapped person solely because of his handicap. Any employer who discriminates in this way against any handicapped person who is able to do the job is punishable by fine. If you feel your son/daughter has been discriminated against in employment solely because of his/her handicap, contact the Massachusetts Department of Labor and Industry, Division of Industrial Safety, 100 Cambridge Street, Boston, Massachusetts 02202, (617) 727-3461, or one of the regional offices listed in Appendix D. This division will provide inspectors to collect facts concerning cases which come under this section of the law. They will attempt to help individuals who have been dismissed from work or refused a job. This State office has the jurisdiction to implement this law. At some time it may be necessary to hire an attorney. Contact one of the Regional Offices listed in Appendix D for assistance.

## REQUEST FOR WORKMAN'S COMPENSATION EXEMPTION

An employer may ask your handicapped son or daughter, eighteen years or older, to consent to being exempt from Workman's Compensation. According to the law (Massachusetts General Laws Annotated Chapter 152, Section 46), such a refusal or waiver must be requested within three months after starting employment and must be approved by the Division of Labor and Industries. If your son or daughter gives up his/her right to Workman's Compensation, he/she is giving up considerable protection, under the law. Consequently, this action should not be taken except in connection with a sheltered workshop.

## CHAPTER 5. FEDERAL INCOME TAX

### FEDERAL INCOME TAX EXCLUSIONS AND DEDUCTIONS

By claiming exclusions and deductions provided by law, you can save money on your federal income tax. This section will explain most of the exclusions and deductions. They attempt to ease the tax burden of the handicapped.

#### How Much of My Income Am I Taxed On?

Basically, you are taxed on your total income minus exclusions and deductions. The larger the amount of your exclusions and deductions, the less taxable income you will have.

#### What's the Difference Between an Exclusion and a Deduction?

Amounts of money you have received that are not taxable are called exclusions or "adjustments to income." These may be subtracted from your total income. After all exclusions have been subtracted, the amount left is called your adjusted gross income. Certain expenses you have paid may be subtracted from your adjusted gross income. These are called deductions.

#### What Exclusions Can I Claim?

Some common exclusions available for parents of handicapped children are:

1. Payments received from either an insurance policy covering accident and health or a life insurance policy which paid disability payments. If an employer paid part of the policy's cost, the exclusion is reduced by the same percentage that the employer paid.
2. Amounts received from an insurance contract which paid for the loss of use of a part of the body or the loss of a part of the body are excludable.
3. Money received from another person or company from a suit or settlement of a claim are excludable if the amounts received were on account of personal injury or sickness.
4. If an employer pays part of the premiums for an accident or health plan for his employees, these contributions are not a part of total income.

5. All amounts received from an accident or health insurance plan which reimburses you for medical care bills you pay are subtracted. This is true whether or not an employer paid for part of the plan. The expenses can be for the employee, his or her spouse, or dependents. The bills that the plan pays for cannot also be claimed as medical expense deductions since you suffered no loss in meeting these expenses.

6. Payments received under an employee's accident and health plan which pay for any of the following can be subtracted:

- a. permanent loss of part of the body;
- b. permanent loss of use of a bodily function;
- c. permanent disfigurement.

The payments must be paid because of the nature of the injury and not because of how long the employee is absent from work. The payments can be for injuries to the employee, his or her spouse, or dependents.

#### What Deductions Help a Parent of a Handicapped Child?

Three major deductions should be looked into: Medical Expenses, Dependent Care, and Charitable Deductions.

#### Is the Medical Expense Deduction Just for Hospital Bills, Medicine, and Things Like That?

Not at all. Almost anything that helps a handicapped person function better should qualify for the deduction. Here is an alphabetical list of examples which may be considered medical expenses:

1. Ambulance hire.
2. Artificial limbs, teeth, organs and eyes.
3. "Autoette" cost and maintenance and manually operated or self-powered wheelchairs if they are used primarily for the alleviation of a disability or an illness and not merely to provide transportation.
4. Braces and crutches.
5. Capital expenditures which are home improvements or additions made to your home for medical reasons. The deduction is the difference between what you paid for the improvement or addition and the amount it increases the value of your home. Examples would be an elevator or inclinuator which cannot be easily removed. They must be things prescribed by a doctor for the disability and primarily for the cure, prevention, and alleviation of the physical or mental disability or illness. Here's how the deduction works. For example, if you bought an inclinuator which costs \$1,000 including installation and the inclinuator



improved the value of your house by \$300, the total deduction is \$700. It must be stressed that each case may be examined separately by the Internal Revenue Service to determine whether the deduction was in fact taken for a necessary expense.

6. Controls added to an automobile specifically to allow a physically handicapped person to drive.

7. A dog to assist a blind or deaf person, including the cost of the dog and maintenance such as licenses, shots, dog food, and the dog's medical expenses.

8. Easily detachable inclinators or elevators, including initial cost and maintenance. These easily detachable machines are not considered to improve the value of the home since the owner can remove them. They do not fall into the class of machines discussed in number 5 above.

9. Drugs and medicines above and the one percent limitation discussed below.

10. Eyeglasses.

11. Fees to doctors, hospitals, etc. - to name just a few - anesthetists, audiological examination fee, blood donor expense, blood tests, chiropodists, chiropractor, Christian Science Practitioner, clinic, dentist, diagnostic fees, diathermy, electric shock treatment, electroencephalograms, examinations (physical), eye exam, gynecologist, hospital, laboratory fees, lip reading, midwife, obstetrician, oculist, optometrist, osteopath, pediatrician, physician, podiatrist, practical nurse, psychiatrist, registered nurse, sanatoriums, spinal fluid tests, sputum tests, surgeon, therapy, transfusions, x-rays.

12. Food and beverages prescribed by a doctor as a supplement to a normal diet. Also, extra charges by restaurants for preparation of special diets such as food for salt-free diet for high blood pressure.

13. Hearing aids.

14. Hospital bills.

15. Insurance premiums: accident, disability, health, and hospitalization to the extent the insurance reimburses medical expenses; supplementary health insurance premiums under Medicare.

16. Iron lungs, including operation costs.

17. Medical insurance premiums: Take half the amount of medical insurance premiums you pay in a year up to \$150, the remainder of your premium costs should be added to your list of deductible medical expenses.

18. Medicines: total up the amount you spend on medicines (whether prescription medicines or not). Subtract 1/3 of your adjusted gross income from this total. Add the remainder to your list.

19. Membership cost in cooperative health associations if necessary and prescribed by a doctor.

20. Musical instruments and lessons where an orthodontist recommends such playing as therapeutic treatment of teeth defects and the actual need for such activity can be

substantiated.

21. Nurse expenses and board if directly connected with medical treatment.

22. Nursing care.

23. Obstetrical expense.

24. Operations and related treatment.

25. Orthopedic shoe repair.

26. Oxygen and related treatment.

27. Ramps (see number 5).

28. Reclining chair for cardiac patients if prescribed by a specialist and used only for mitigation of the physical condition, not used simply as furniture.

29. Seeing Eye dogs, their cost and maintenance.

30. Rental of medical equipment.

31. Special clothing costs, such as alterations to clothes for safety reasons for daily work, but not alterations to clothes for purely cosmetic reasons.

32. Some special education expenses may qualify as a medical deduction:

a. aids to handicapped children. Examples of this include special typewriters, tape recorders, projection lamps or lenses for enlarging written material for a child with poor eyesight to help him get an education without causing further damage to his eyesight.

b. speech and lipreading lessons for the hard of hearing.

c. cost of sending emotionally disturbed children to school, to the extent that the costs relate to the psychological and psychiatric care.

d. to total cost of a special school for a mentally handicapped, physically handicapped, or learning disabled child if the child attends this school principally to alleviate the condition. This deduction includes transportation, meals, lodging at the school, tuition and the costs for ordinary education which the school may supply. If the main reason for attending the school is education, then only the cost of the services which are medical in nature are deductible. The costs of a guide for a blind child throughout the school day.

33. Special telephone equipment for the ill and/or handicapped.

34. Supportive or correctional devices such as arches, elastic stockings, orthopedic shoes, back supports, special beds and special mattresses. Also, plywood boards for relief or arthritic conditions.

35. Transportation expenses relative to illness including fares, tolls and parking fees to and from a doctor's office and clinic visits. Transportation to and from special schools is deductible as is transportation to and from public schools if it is part of psychotherapeutic treatment.

36. Wheelchairs.

37. Wigs if prescribed by a physician for the mental health of a bald woman.

## MEDICAL EXPENSE DEDUCTION

Is There Some Kind of a Limit to the Amount I Can Deduct?

Total your list of deductible medical expenses. From this total subtract 3% of your adjusted gross income. To the figure you arrive at add half the amount you paid in medical insurance premiums (up to \$150). The net result is your medical expense deduction.

Could I See an Example of How This Works?

Example: Mike's adjusted gross income for 1972 was \$6100. Last year he spent \$400 for premiums for medical care insurance, \$260 on medicines, and \$850 on deductible items for medical care that were not covered by his insurance. Mike figured his medical expense deduction as follows:

Medicines and drugs	\$260	
(less 1% of \$6100)	- 61	\$ 199
Premiums for medical insurance		
(over \$150 limit)	\$250	250
Other medical expenses	\$850	850
Total medical expense		<u>1299</u>
(Less 3% of adjusted gross income)		- 183
Total		<u>1116</u>
Plus remainder paid for medical insurance		150
Total medical expense deduction		<u>\$1266</u>

One final question on the medical expense deduction. I have a large dentist bill which I'm paying a little at a time. Some of the work goes back over a year ago. Can I still deduct the payments I'm making?

Absolutely! Any payments made for medical services rendered are deductible. This is true even if you first received the bill years ago. The payments should be claimed in the year you make them.

## DEPENDENT CARE DEDUCTION

If you pay someone to take care of a dependent so you can work you may be able to deduct that expense from your income. No deduction is allowed for services rendered by a relative of the taxpayer or his or her spouse. The dependent must be under 15 years old or physically or mentally disabled or a disabled spouse of the taxpayer.

If you are married and living with your husband or wife, both of you must be gainfully employed or actively seeking employment on a primary full-time basis, unless one spouse is disabled.

If you are married and living together, you must file a joint return to claim this deduction. The deduction is also available to families with a qualified dependent if the taxpayer is single, a widow, divorced, legally separated, or married but living apart from his spouse. These taxpayers may file a separate return.

In the case of a dependent child under age fifteen, the deduction is different depending on whether the help was given outside or inside your home. However, in either case, no more than \$400 per month for household and dependent care services may be deducted. If the services were given outside the home, such as at a day-care center, the deduction is limited to \$200 per month for one qualifying dependent, \$300 if there are two qualifying and \$400 if there are three or more qualifying dependents that were cared for. These expenses cannot include education for the first grade or a higher level. If the household help and dependent care were given inside the home, up to \$400 of expenses can be deducted per month.

This deduction is reduced if your adjusted gross income exceeds \$18,000. The deduction must be reduced by fifty cents for each dollar of adjusted gross income over \$18,000.

In the case of a disabled dependent fifteen years of age or older, the employment-related expenses attributable solely to the dependent must be reduced to the extent of the sum of Adjusted Gross Income and nontaxable disability payments received by the dependent exceeds \$750.

In the case of a disabled spouse, the employment-related expenses (for example the use of a housekeeper) incurred solely for the spouse must be reduced by the amount of nontaxable disability payments (including Social Security disability payments) received by the disabled spouse.

## THE CHARITABLE DEDUCTION

If you volunteered services to a charity, you can deduct out-of-pocket expenses such as transportation, tolls, pens, and paper that you paid for while performing these services. This includes expenses you may pay yourself because of extra duties you may have as an officer in a charitable organization. These expenses are considered contributions to charity. You can usually deduct them up to a limit of half of your adjusted gross income.

Before you deduct your contributions, make sure the organization qualifies. Certainly a donation to a politician is not to a charity and obviously a donation to the Easter Seal Society is. Check with the organization. If they are a qualified charity, they will be only too happy to tell you this. Tax-wise, beware of groups that offer you long, complicated explanations of why they qualify. They may be working for goals you agree with, but donations to them may not be deductible.

## KEEP PROOF

Keeping track of your deductions should be a year-long activity. Keep your records of purchases or donations which may be deductible in one place. A shoe box or a large envelope will do. Be sure to keep as much proof as you can of all possible tax deductions. Receipted bills are an example of this. If you are examined by the Internal Revenue Service, the official will want to see proof of your deductions.

If you are unsure about any particular item, seek qualified advice. Gather as much proof of deductibility as you can; if possible, have a doctor prescribe the item before you buy it. Advice can be obtained by calling the nearest office of the Internal Revenue Service, which you should find by looking in the telephone book under United States Government. In addition, check with self-help and parents' groups listed in Appendix E. For instance, the Massachusetts Association of Paraplegics is able to give you advice or referral if you have any questions. Their address is P. O. Box 48, Bedford, Massachusetts.

## STANDARD OR ITEMIZED DEDUCTION? (FOR JOINT RETURNS)

On your Federal income tax you have a choice of taking a standard deduction or itemizing your deductions and claiming as much of them as you are allowed. Your standard deduction is fifteen percent of your adjusted gross income or \$2000, whichever is less. Your allowable standard deduction cannot be lower than \$1300. Your allowable itemized deduction can range from zero to much more than \$2000. Here are some guidelines to help you decide whether to take the standard deduction or itemize your deductions.

1. If your adjusted gross income is under \$8,667 and your itemized deductions are less than \$1300, take the standard deduction. If your adjusted gross income is under \$8667 and your itemized deductions are more than \$1300, itemize your deductions.

2. If your adjusted gross income is between \$8,667 and \$13,333 and your itemized deductions are over fifteen percent of your adjusted gross income, itemize the deductions. If your adjusted gross income falls between these two figures, and your itemized deductions are less than fifteen percent of your adjusted gross income, take the standard deduction.

## ADDITIONAL EXEMPTION FOR PEOPLE WHO ARE BLIND

If you are blind, you are entitled to an additional exemption on you. Federal income tax.

The requirements are:

1. You are a U. S. citizen or resident, and
2. the sight in your better eye is no better than 20/200 with corrective lenses or the widest diameter of the field of vision is no greater than 30 degrees, and
3. you must have been blind, as defined in requirement #2, on the last day of the year you are claiming the exemption for.

If you are totally blind, attach a statement to your return to that effect. If you are partially blind, attach a statement to your return from a qualified physician or registered optometrist stating that your vision is no better than that described in requirement #2, above. The Commission for Blind provides certificates of blindness for this purpose.

## FILLING OUT THE FORMS

The Internal Revenue Service has people who will try to answer your individual questions. This Department is called Taxpayer Assistance and Information. Take this book with you to clarify deductions and exclusions.

Services which they provide are:

1. Telephone Service: They will attempt to answer inquiries over the phone; however, where figures or specific information are involved, it may be necessary to use the Walk-in Service. Questions which need further research are referred to an agent who will pursue such information for you.
2. Walk-in Service: The department will help anyone in filling out their income tax form. It is necessary that the

individual requesting assistance bring with him all the papers, receipts, etc. that are necessary in filing a tax return. If necessary, the department will provide the help of an agent.

The local office of the Internal Revenue Service should be able to respond to your questions. Early in 1974 a centrex telephone system will let you dial (toll free) a main answering office for information. Throughout the state, major offices are located at:

Boston:	Taxpayer's Assistance & Information John F. Kennedy Federal Building Government Center Boston, MA (617) 223-3431
Worcester:	Taxpayer's Assistance and Information Federal Building - Courthouse Worcester, MA (617) 791-2314
Springfield:	Taxpayer's Assistance and Information Federal Building - Courthouse Springfield, MA (413) 781-2380

The Department of Taxpayer's Assistance and Information should be able to advise you of changes or additions made in deductions and exclusions from previous years. If you have specific questions, call a local office of the Internal Revenue Service or one of the numbers listed above.

## CHAPTER 6. STATE INCOME TAX

### TYPES OF INCOME

In Massachusetts, two general types of income are taxed differently. One type of income is taxed at five percent, the other type at nine percent. The type of income taxed at nine percent includes interest other than interest from a regular savings deposit and dividends. The tax deductions available to handicapped people relate to the type of income that is taxed at five percent, which includes wages, salaries, tips, certain pensions and annuities, interest over \$100 per taxpayer, profits from a business or profession, rents and royalties, income from partnerships and non-Massachusetts trusts and estates. Be sure to follow instructions that come with the tax forms since your income that is subject to the five percent tax might be different from your total income under the Federal income tax.

The two types of tax advantages offered by the Massachusetts income tax are "deductions" and "exemptions". However,



they both act the same way in computing your tax, they are both subtracted from your income that is subject to the five percent tax. In Massachusetts there is no use of an "adjusted gross income" figure except where Massachusetts tax refers to something you have already figured out for your Federal tax.

## MASSACHUSETTS DEDUCTIONS

All the exclusions discussed for the Federal income tax purposes are deductible in Massachusetts (see Chapter 5). Take the figure you used as total exclusions in your Federal income tax on Line 46, and claim it toward your total deductions in the Massachusetts income tax. Your total deductions are then subtracted from your total income taxable at five percent.

## EXEMPTIONS

Massachusetts provides two special income tax exemptions for handicapped persons: (1) medical and dental expenses; and (2) additional amounts that certain blind people can claim.

1. Medical and dental expenses. To determine this exemption, go back to your allowable medical and dental expense that you took on your Federal form. This is the amount you can claim under the Massachusetts exemption. You can only claim this exemption if you claim itemized deductions on your Federal return. (This is the only item under your Federal income tax list of itemized deductions that you can claim under Massachusetts tax.)

2. Blind people. If you, the taxpayer, are blind, you can claim a \$2000 exemption. If your spouse is blind, you can claim a \$2000 exemption for him or her if you file a joint return. To be considered blind, the person's eyesight must be 20/200 or less with correction in the better eye, or the peripheral field of vision must have been contracted to a ten degree radius or less. You do not have to supply a statement of these facts with your return but you must be able to prove them if your return is reviewed.

## FILLING OUT THE FORMS

The Income Tax Division (under that State Department of Corporate Taxation) offers year-round free advice at the Desk Audit Section, Room 500, Saltonstall State Office Building, 100 Cambridge Street, Boston, Massachusetts, 727-4545, or contact one of the Regional Offices.



## PART II. RIGHTS TO SPECIAL SERVICES FOR SPECIFIC HANDICAPS

### CHAPTER 1. CHILDREN WITH VISUAL IMPAIRMENT

#### COMMISSION FOR THE BLIND

The Commission for the Blind is a state agency designed to help blind people in Massachusetts. The Commission offers many forms of aid for blind and visually handicapped children. If you are not receiving services for your blind or visually handicapped child, and you live in Massachusetts, contact the Commission for the Blind, 39 Boylston Street, Boston, Mass. 02116; call: (617) 727-5550, or call toll free 1-800-322-7750 and ask for extension 5550. The Commission will send a representative to call on you if you wish, or you may go in person or you may request that an application be mailed to you.

Your blind or visually handicapped child is entitled to the following aid:

1. Services of a rehabilitation center to be trained in activities of daily living, for education or employment training.
2. Advice and help in planning your child's education and training, or dealing with the problems you and your child might face.
3. Use of a Talking Book machine which is loaned at no expense to blind persons and other people with physical impairments. Records are available free on loan, including postage, from a central library (the Library of Congress). Locally, these records can be obtained from the Regional Library at Perkins School for the Blind, Watertown, Massachusetts.
4. Help in finding and using volunteer agencies in your community which offer services.
5. Coordination of your child's training and education if he or she is deaf and blind.
6. Issuance of an identification pass to ride free on the Massachusetts Bay Transit Authority (MBTA).
7. Issuance of a Certificate of Blindness is available for income and real estate tax exemptions.

(Note: The American Foundation for the Blind, 115 W. 16th Street, New York, N.Y. has information and passes available for cross country travel.)

Whenever the Commission determines the need, the following services can be provided:

1. Financial assistance under Title XVI of the Social Security Act. Apply to a Social Security Office for this aid.

2. Medical assistance through Medicaid.
3. Services for students, such as readers, tapes, help in purchasing large print books and supplies. The American Foundation for the Blind also has a catalog on aids and appliances, available upon request from the above address.
4. A Home Teaching Program to help the blind person with a variety of skills such as reading and writing, braille, child care or household management.
5. A Home Industries Program for shut ins to make products to be sold on consignment.
6. Information on new aids, such as Optacon, a very expensive little camera which "reads" regular print and translates it to tactile display.
7. Information on programs for preschoolers.

## ADDITIONAL RIGHTS OF BLIND CHILDREN

1. A blind person, if accompanied by a properly and safely muzzled Guide Dog, is entitled to any and all accommodation to which a non-blind person is entitled. A person with such a dog cannot be required to pay any charge or fare for the dog on public transportation. There is a fine of up to \$300 for anyone depriving a blind person of these rights.
2. No fee shall be charged a blind person for an insurance broker's license. If a blind person held such a license at the time of his death, his widow shall not be charged such a fee for such a license.
3. No fee shall be charged for a license for a Guide Dog if a blind person obtains a certificate from the Massachusetts Commission for the Blind, stating that the dog is trained and actually in the service of a blind person.
4. No one can discriminate against a blind person in renting, leasing or selling of publicly assisted housing, multiple dwelling with three or more families in one building, or housing accommodations with 10 or more families located on adjacent land. Also, no one can discriminate against a blind person with regard to the terms, conditions, or privileges in connection with the sale, rental, or leasing of publicly assisted property.
5. Whenever a totally or partially blind person with a Guide Dog, a white cane or a walking stick attempts to cross the street, all approaching vehicles must come to a full stop. Before they can proceed, they must take whatever precautions may be necessary to avoid injury to the blind pedestrian. There is a fine of \$100 for violators of this law. If a blind person attempts to cross the street without a Guide Dog, a white cane or walking stick, he is not

partially at fault should an accident occur, provided he was using reasonable care in crossing the street.

6. No blind person can be discriminated against or segregated in state aided low-rent housing projects. If this happens to you or your child, contact the Massachusetts Commission Against Discrimination at (617) 727-7306, and ask for the Affirmative Action Division. The Commission will take the matter from there and explain to you how to file a complaint. The Commission will investigate the matter, and, if necessary, go to court for you. The services of the Commission are free.
7. In Massachusetts, a blind person is entitled to a free fishing license. Fishing licenses must be obtained by anyone fifteen years of age or older who wishes to fish in the public inland waters. Call the nearest office of the Department of Natural Resources listed under the Massachusetts heading in the phone book.

If you have specific questions, call the Commission for the Blind.

## CHAPTER 2. CHILDREN WITH HEARING IMPAIRMENTS

Massachusetts General Laws, Chapter 1095, Sections 67F, G & H pertain to children with hearing impairments. Although enacted in 1971, these laws have not received funding and have therefore not been implemented as of the writing of this booklet.

The law requires all hospitals to distribute to all parents, within ten days of an infant's birth, literature describing conditions which cause certain children to run a high risk of hearing impairment. The Massachusetts Department of Public Health (DPH) shall supply this literature to the hospitals. Parents are urged to consult with their doctors to determine whether a particular infant might be in the high risk category.

Children in the high risk category shall be offered a complete diagnostic evaluation at hospital centers approved by DPH. These diagnostic evaluations can, upon request, be given every 6 months until the age of 2 years, and longer if necessary. DPH will cover the cost of these evaluations.

The law also requires that all children who are 4 years of age must be given a hearing test. The hearing test is free and will be given at your local school. If a child fails the test, the family will be advised to consult a private otologist (a doctor specializing in the ear) of their

choosing. If, after examination, the otologist recommends further tests, this testing will be done at a hospital center approved by DPH, at no charge. (Please note that after September 1974, children will be tested free from age 3 at their local schools.)

Any parent who has questions or concerns about education and/or evaluations and services for a child who is, or may be, hearing impaired, is advised to call his regional education office. (See Appendix D for phone numbers.) The regional office will provide information, and help when possible, for all children, regardless of age.

Currently the DPH pays 75% of the costs of hearing aids, up to \$120, for Massachusetts children under age 21, regardless of the family's financial status. Repairs can be made free upon approval from DPH. To take advantage of these services, a child must first be evaluated at a DPH-approved hospital center. If the child requires a hearing aid the center will forward the recommendation to DPH, Division of Family Health Services, 39 Boylston Street, Boston - 727-5147. Parents will be notified of procedures for purchasing the hearing aid.

Additionally, persons wishing information for children with hearing impairments should contact the Massachusetts Parents' Association for the Deaf and Hard of Hearing; P.O. Box 303, Boston. They have available a free booklet entitled When Your Child Is Deaf which describes facilities, services, and resources available to the hearing impaired.

## CHAPTER 3. CHILDREN WITH EPILEPSY

### MARRIAGE

In Massachusetts, a person with epilepsy is free to marry if he or she is of legal age.

### DRIVING LICENSE

A person with epilepsy can obtain a driver's license by following these steps:

- (a) he or she must obtain a report made out by a neurologist showing that he or she has been free from seizures for at least eighteen months. If the neurologist states that the applicant's epilepsy is well controlled, a shorter period than eighteen months may be acceptable to the registry.

- (b) the applicant must sign a promise to furnish periodic reports from the same neurologist if the patient's epilepsy is being controlled by medication.
- (c) if he or she then passes a driver's test, a license will be issued.

To find out the exact procedure, or gather additional information, call your closest office of the Massachusetts Registry of Motor Vehicles.

## CHAPTER 4. CHILDREN WITH PHYSICAL HANDICAPS

### AUTOMOBILE PLATES

Handicapped people are exempt from parking time limits and parking meter fees if their cars have a special handicapped persons' license plate. Handicapped persons whose cars have these HP or V (disabled veteran) plates may also park their cars without penalty or fine anywhere along the streets of the Commonwealth. The only exceptions to this rule are double parking and parking in the wrong areas during snow removal. To be eligible for handicapped persons' plates, a person must: (A) be the registered owner of the automobile to which the special plates are issued. The parent or guardian of a handicapped child may be entitled to handicapped plates if the car is registered in the name of the child. (B) the applicant must be certified by a doctor that he or she is legally blind or that he or she has suffered the loss or permanent use of one or both feet, or one or both hands. To obtain license plates, contact the office of the Registry of Motor Vehicles closest to your home. They will provide you with the proper forms. The annual fee for these special plates is six dollars.

### AUTOMOBILE EXCISE TAX

Such handicapped persons are entitled to full rebate of the Massachusetts automobile excise tax. Pay the tax when the bill comes. Get from the Assessment Office of your town the rebate form. The first time such a rebate request is filed, a doctor's certification is required: a letter stating the person's need for a special HP plate. After the first filing, the doctor's certification is no longer needed until the handicapped person moves to, and registers his car in, a different town.

### AUTOMOBILE SALES TAX

Any person who has lost or will never be able to use both legs or both arms or one leg and one arm does not have to

pay sales tax on a motor vehicle (car or truck). The motor vehicle must be used for personal use and not business use. This exemption is only good for one motor vehicle at a time, and the registration must be in the name of the handicapped person. The registration may be in the name of a minor who is handicapped. Contact the Registry of Motor Vehicles to find out the office nearest your home which handles this exemption.

## CURB CUTS

Chapter 83, Section 25 of the General Laws of the Commonwealth of Massachusetts, as amended by Chapter 288 of the Acts of 1973 says, "Each city and town shall provide a slanted curbing on sidewalks in its public ways at pedestrian crosswalks when new or replacement curbing is required at such locations."

## USE OF PUBLIC BUILDINGS

All physically handicapped persons have a right to enter and use, with a guarantee of safety, any building constructed by the Commonwealth of Massachusetts or a political organization of the Commonwealth. This applies to all buildings constructed with public funds and open to the public. This law pertains to buildings which were constructed, reconstructed, altered or remodeled after February 6, 1968. Buildings of the Public Housing Authority, the Port Authority, the Parking Authority, the Massachusetts Turnpike Authority, building authorities of any public educational institutions or the successors constructed, reconstructed, altered or remodeled after October 29, 1971 are subject to this law. All physically handicapped people have the above rights regarding privately financed buildings which are open to and used by, the public which include transportation terminals, institutional buildings, commercial buildings more than two stories in height or employing more than forty people, buildings with places of assembly for more than 150 people, public areas and funeral homes, rest rooms in shopping centers, hotels, motels and dormitories which are constructed, reconstructed, altered or remodeled after January 1, 1972.

Any such building which is not accessible, usable or safe for handicapped persons, should be reported to the Board to Facilitate Use of Buildings by the Physically Handicapped, Department of Public Safety Building, Babcock Street at 1010 Commonwealth Avenue, Boston, Massachusetts. This Board will investigate, and if necessary, issue orders to the owners of the building to conform with the law. The Board is obligated by law to enforce compliance or allow a special waiver to the owner.

## INFORMATION REGARDING ACCESSIBILITY

Many individuals and organizations devote much time to the problems of accessibility. Some have spent time with exact measurements of ramps and entrances; others have attempted to locate inaccessible buildings. Many people have helped by providing information concerning accessible buildings. For information contact:

Massachusetts Easter Seal Society - It has available guides to accessible buildings in various cities in Massachusetts. These guides cover a wide variety of places (banks, theatres, restaurants, stores, etc.). For free copies, call your regional office, listed in Appendix D.

President's Committee on Employment of the Handicapped, Washington, D. C. 20210 (brochures and information on Architectural Barriers).

National Easter Seal Society, 2023 Ogden Avenue, Chicago, Illinois 60612 (brochures and information on Architectural Barriers).

American Institute of Architects, 1735 New York Avenue, Washington, D. C. 20006 (brochures and information on Architectural Barriers).

Documents Room 116, State House, Boston, Massachusetts has copies of the regulations needed by contractors to comply with the architectural barriers law (Pub. #1098, Form PHR-1) for \$1.00.

## VOTING

Absentee ballots are available to anyone of voting age who is unable to vote in person because of a physical disability. The person will need a certificate from a doctor, attending registered or practical nurse, supervisor of a hospital, minister, practitioner or the Christian Science Church, priest, or rabbi, stating the inability of the person to vote at a regular polling place. Write or call your local city or town clerk or the Secretary of State for Massachusetts about two months in advance of the election to apply for an absentee ballot. If you are permanently disabled you will only need to file once to receive absentee ballots for future elections.



## CHAPTER 5. FURTHER RIGHTS OF PHYSICALLY HANDICAPPED CHILDREN

### HOUSING

#### STATE

No one can discriminate against or segregate a physically handicapped person with regard to state-aided, low-rent housing projects (Mass. Gen. Laws Ann. Ch. 667 of the Acts of 1967, as amended by Chapter 812 of the Acts of 1970). The Department of Community Affairs has the responsibility of promulgating regulations for providing accessible housing. They are also responsible for the development of guidelines regarding the selection criteria in state-aided elderly/handicapped housing. It is important to know that handicapped persons and their families have the right to "priority in placement in no less than five percent of all dwelling units of projects or parts of projects constructed for elderly persons of low income, provided the construction of such a project is initiated after January 1, 1971." The Department of Community Affairs interprets that it is not necessary that the five percent units designed for the handicapped be located in the same facility as the elderly. In addition, a person necessary to the well being of handicapped persons can live with them if he or she has a low income and is eligible for state-aided housing.

If you feel that you, or your child, have been discriminated against or segregated unfairly, contact the Office of Tenant and Management Relations, Massachusetts Department of Community Affairs, 100 Cambridge Street, Boston, Mass. 02202; (617) 727-3264.

**Note:** Most housing authorities have elected to construct one bedroom apartments for use by the handicapped. This precludes those living in a family situation from being housed. Design features are determined by the local housing authority. Persons needing specialized facilities should make their needs known to the Local Housing Authority. A Local Housing Authority can under Chapter 812, house handicapped families in separate dwellings which can be renovated for accessibility. If further information is needed, call your regional Easter Seal Society (see Appendix D).



## FEDERAL

According to the Department of Housing and Urban Development, issued in August, 1970, Housing for Elderly with Special Consideration for the Handicapped, stated in special regulations E401-2.2 B(7) that, "fixtures in bathrooms in at least 10% of the units of each type shall be arranged and space provided to permit access and use by a person in a wheelchair." For further information regarding housing construction and eligibility requirements under the Department of Housing and Urban Development, contact the Housing Programs Management Branch at 15 New Chardon Street, Boston, Mass. 02114; (617) 223-4148 for information in the Boston area.

## PARENTAL SUPPORT

A needy handicapped child has the right to support and maintenance from his father or mother. If a father or mother unreasonably neglects or refuses to provide for a handicapped child, they can be punished by fine or imprisonment, or both.

## UNEMPLOYMENT COMPENSATION

Any parent on unemployment compensation has the right to an additional \$6.00 per week for each eighteen-year-old or older dependent who is incapable of earning wages because of a mental or physical handicap.

## RECREATION

Under Mass. Gen. Laws Ann. Ch. 902 of the Acts of 1971, a handicapped person will be permitted to enter a State Park in Massachusetts without paying a car fee. This person must be travelling in a car bearing HP or V plates and be with that car when entering. In addition, this permission only applies to the use of State Parks during the day and will not be granted for a person using the parks overnight. Presently, there are no other programs provided by the division of Parks and Recreation in the Department of Natural Resources. Their number is 727-3180, and you can call them for more information (including a brochure which spells out accessible parks).

Contact your local recreation department in your city or town regarding any programs that might be available for your handicapped child. Neighboring towns may be willing to include your child in programs they provide for the handicapped even if you are not residing there. In

addition, agencies in your area may have programs. Some of these are: Easter Seal Society, YMCA, YWCA, Boy Scouts, Girl Scouts, etc.

## TALKING BOOKS

If a child (or adult) cannot see (or see well enough to read), cannot hold a book (because of loss of a hand or hands, loss of use of a hand or hands, or extreme weakness), or has a learning disability certified by a neurologist, he is eligible to use talking books. These are usually cassette recordings of textbooks and other publications. Braille books are also available.

Talking books are available from:

Perkins School for the Blind  
175 North Beacon Street  
Watertown, MA 02172 (free, postage paid)

Library for the Visually Handicapped  
Division of Special Education, Dept. of Education  
271 W. Boylston Street  
West Boylston, MA 01583 (free, postage paid)

National Braille Press  
88 St. Stevens Street  
Boston, MA 02115 (makes recordings on request,  
nominal fee)

Recording for the Blind  
216 E. 58th Street  
New York, N.Y. 10022 (free, to blind and physically  
handicapped people, especially  
for older children and adults)

## APPENDIX A

### THESE ARE YOUR RIGHTS ----- IT'S UP TO YOU TO USE THEM

.... Remember that public employees are there to serve you, that they are paid by you to provide services for you and your child.

.... You should ask for information - you should get answers. Keep these guidelines in mind when trying to get information and to secure your rights.

Find out the name of the person with whom you speak and write it down.

Think through what you want to know. Try to be brief, to the point, unemotional -- but forceful. Don't be put off by "bureaucratic" language. Ask for explanations. Be ready with follow-up questions.

There are basic follow-up questions which you should be prepared to ask. "Why?" "Who is responsible for this?" "What other alternatives are open for me?" When someone is "getting back to you" set a time limit. If the limit is passed, keep calling back until you get an answer which satisfies you.

Know the administrative structure of the agency. Go through the suggested channel. Do not hesitate, however, to go to the top if the lower level employees do not respond.

Keep a written record of all contacts you have made - names, dates, summaries, conversations, written communications which will verify your efforts. It is important both to refresh your memory and to prove what steps you have taken. In some cases, written requests, with a copy for your records is the best approach. Written responses are the most useful "for the record".

Once you have exhausted all of the channels and yourself, consider these alternatives:

Try to find other parents who have had similar experiences (strength in numbers) and plan collective action. See the list of parent groups in Appendix E.

Approach an agency as a group.

Go public, i.e., letters to the editor, radio talk programs, human interest article in your local paper.

Call on your elected officials for help (local office holders, state representatives, congressmen).

Get professional legal assistance to consider court action.

## APPENDIX B

### LEGAL RESOURCES

#### REFERENCES

Whenever possible, each law has been cited by use of an abbreviated method. The information in the parenthesis refers directly to the original law. Mass. Gen. Laws Ann. stands for Massachusetts General Laws Annotated; Ch. refers to the particular Chapter; and Sec. refers to the section of the laws. Acts of any year tell in which year it was passed into law.

Information in the tax section is taken from the Internal Revenue Code. Again, the abbreviated forms are: I.R.C. which is Internal Revenue Code; S means Section (often the section is spelled out further by paragraphs (a) and subparagraphs (3); Treasury Reg. is abbreviated for Treasury Regulations; S 1.104-1 refers to the particular section of the regulations.

Other references, such as 1973 S.T.R. 1020.02 refers to information taken from the 1973 edition of the Standard Tax Reporter, and the number indicates the section.

This information and the legal citations have been provided for your referral in acquainting yourself and others about existing laws. To secure copies of the laws, contact your local representatives. Many libraries carry copies of the state laws for your reference.

#### LEGAL HELP

##### A. Legal Assistance Projects

Legal Assistance Projects, funded by the Office of Economic Opportunity, provides legal assistance to people who cannot afford to hire legal help. To determine whether or not you are eligible, call the office closest to your home.

##### Barnstable and Duke Counties

Legal Services for Cape Cod & Islands, Inc.  
138 Winter Street  
Hyannis, Mass. 02601  
(617) 775-7020

## Boston

Boston Legal Assistance Project  
84 State Street  
Boston, Mass. 02109  
(617) 742-8930

## Boston Branch Offices

341 Washington Street Brighton 254-0312	2968 Washington Street Roxbury 442-2566
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264 Meridian Street East Boston 569-1661	1486 Dorchester Avenue Dorchester 436-6292
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474 Blue Hill Avenue Roxbury 442-0211	84 State Street Boston 742-8930
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424 West Broadway South Boston 269-3700	765 Dudley Street Dorchester 825-8500
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505a Columbus Avenue  
Boston  
261-8750

## Cambridge & Somerville Legal Services

Cambridge Legal Services  
380 Green Street  
Cambridge, Mass. 02139  
(617) 492-5520

Somerville Office  
188 Broadway  
Somerville, Mass. 02145  
(617) 776-6704

Fitchburg, Leominster, Gardner, Athol, Winchendon,  
Westminster, Templeton, Royalston, Phillipston, Lunen-  
berg, Ashburnham

Northern Worcester County Legal Aid Society  
455 Main Street  
Fitchburg, Mass. 01420  
(617) 345-1946

Lowell, Billerica, Chelmsford, Dracut, Tewksbury, West-  
ford, Dunstable, Tyngsboro

Greater Lowell Legal Services, Inc.  
45 Merrimack Street  
Lowell, Mass. 01852  
(617) 458-1465

Lynn

Neighborhood Legal Services, Inc.  
31 Exchange Street  
Lynn, Mass. 01852  
(617) 599-7703

New Bedford, Dartmouth, Fairhaven, Acushnet

Onboard Legal Services, Inc.  
18 S. Water Street  
New Bedford, Mass. 02740  
(617) 999-8576

Revere and Chelsea

North Suffolk Legal Assistance Association  
317 Broadway  
Revere, Mass. 02151  
(617) 289-4427

Hampshire, Hampden, Franklin & Berkshire

Western Massachusetts Legal Services, Inc.

Springfield Office  
11 Eastern Avenue  
Springfield, Mass. 01109  
(413) 781-7814

Pittsfield Office  
33 Pearl Street  
Pittsfield, Mass. 01201  
(413) 499-1950

Holyoke Office  
193 Main Street  
Holyoke, Mass. 01040  
(413) 536-2420

Greenfield Office  
3 Osgood Street  
Greenfield, Mass. 01301  
(413) 774-7747

Worcester

Worcester County Legal Services  
306 Main Street  
Worcester, Mass. 01608  
(617) 752-3718

**B. Legal Assistance Program Back-up Centers**

These offices may be able to provide technical help, make referrals or in some instances handle a case.

Massachusetts Law Reform Institute  
2 Park Square  
Boston, Mass. 02116  
(617) 482-0890

Harvard Center for Law & Education  
Larsen Hall  
14 Appian Way  
Cambridge, Mass. 02138  
(617) 495-4666

**C. Law School Affiliated Programs**

B. C. Legal Assistance Bureau  
21 Lexington Street  
Waltham, Mass. 02154  
893-4793

Harvard Legal Aid Bureau  
1511 Massachusetts Avenue  
Cambridge, Mass. 02139  
495-4408

**D. Civil Liberties Union of Massachusetts**  
3 Joy Street  
Boston, Mass. 02108  
(617) 227-9459

**E. Lawyers' Committee for Civil Rights Under the Law**  
2 Park Square  
Boston, Mass. 02116  
(617) 482-2771

**F. Massachusetts Bar Association Referral Services**

Lawyers Reference Service of  
Boston Bar Association  
16 Beacon Street  
Boston, Mass. 02108  
(617) 742-0625



Hampden County Lawyers Referral Service  
c/o Lawrence J. Kenney, Esquire  
1323 Main Street  
Springfield, Mass. 01103  
(413) 733-4292

Lawyers Referral Service of Middlesex County  
Superior Court House  
East Cambridge, Mass. 02141  
(617) 876-8000, Ext. 220

Norfolk County Lawyers Referral Service  
c/o Leon Rubir, Esquire  
1354 Hancock Street  
Quincy, Mass. 02169  
(617) 773-5142

Lawyers Referral Service of Worcester County  
311 Main Street  
Worcester, Mass. 01608  
(617) 752-1311

Note: Private attorneys are available for those persons who do not qualify for free legal services or choose to have a private attorney represent them.

## LEGAL INFORMATION

National Center for Law and the Handicapped, Inc.  
1235 North Eddy Street  
South Bend, Indiana 46617  
(219) 288-4751

This federally funded center has compiled information on court cases involving handicapped persons in all parts of the United States. Although the center is limited in providing responses to individual requests, they are most interested in hearing about pending court cases and when appropriate can offer support, information and service. These court decisions could be extremely helpful to anyone considering court action. In addition, they do assist state agencies in developing court cases in particular states.

## APPENDIX C

### LEGISLATION

The job of your elected officials is to serve you. One way in which they will do this better is to know your needs. Do not hesitate to call or write to them to request information, assistance or support.

#### LOCAL

Contact your city or town hall for additional phone numbers such as: local city council members, school committee members, or other departments. In addition, call your local city or town for information and local office phone numbers of your representatives and senators.

#### STATE

To secure the name and telephone number of your local representative call the Clerk of the House at (617) 727-2356. The Clerk of the Senate at (617) 727-2476 can give you the name of your Senator.

The general information number connecting all departments and offices at the State House in Boston is (617) 727-2121.

#### FEDERAL

For federal information call (617) 223-7121. This office will provide the names, addresses and phone numbers of the Massachusetts representatives and senators who serve Washington. Addresses are available for both their Massachusetts and Washington, D. C. offices.

#### FILING MASSACHUSETTS LEGISLATION

In Massachusetts it is possible for any citizen to file a bill which, if passed by the legislature, becomes a law. This can be done by drafting the legislation to state what you want. You might wish to discuss your ideas with other individuals or groups interested in your area of concern prior to filing the bill, particularly if you will want their support. You may discuss your ideas with your legislator and he may help you to write the bill in the proper form. It should then be filed for consideration before the legislature.

Whether or not your representative supports your bill, he or she will file it for you. The deadline for filing a bill is usually late fall. Check with your legislator for specific dates. First, a number and hearing date will be assigned to the bill. It will then have a Public Hearing before the appropriate legislative committee. At the public hearing you and others can speak or give written testimony in support of the bill. Upon the decision of the committee the bill can be sent to study, referred to another committee, or sent to the floor of the legislature for discussion and vote. Before the final vote it is sent to the Ways & Means Committee (which hears all money bills). After it is passed in both houses it goes to the Governor for his signature. If it passes through this entire procedure it then becomes a law.

The League of Women Voters publishes a pamphlet entitled, "There Ought To Be A Law," which is available for 25¢ at their main office at 120 Boylston Street, Boston, (617) 357-8380.

## COMMUNICATING WITH LEGISLATORS

If you are writing concerning a bill, state the subject and its number if you know it. Be specific.

Write or call your own senator or representative first; they respond best to their own constituents. (If he is not on the committee handling the bill in which you are interested, ask him to speak to the committee chairman about the bill. After you have written or talked to your own legislator, get in touch with the committee chairman, or a committee member who lives nearest you.)

Be clear. Regarding a bill, tell whether you support or oppose it, and why. Explain your personal interest.

Be polite, businesslike, and relatively brief.

Commend him for good votes or actions he has taken.

Tell what action you would like him to take (such as voting for or against, talking to committee chairmen or the Speaker, etc.).

Ask politely for an answer.

Address: State House  
Boston, MA 02133

Dear Senator (Representative) Smith:

## APPENDIX D

### AGENCY RESOURCES

Please keep in mind that all agencies will give out information, even if your child has a disability which is different from the one which they primarily serve. Also, in some cases, agencies may even provide services to other children.

#### PRIVATE

Boston Children's Service Association  
1 and 3 Walnut Street  
Boston, MA 02108  
(617) 227-3800

Cerebral Palsy Association of Metropolitan Boston  
210 Webster Street  
Newton, MA 02165  
(617) 965-9850

#### EASTER SEAL SOCIETY

Child Advocacy Project  
Easter Seal Society of Massachusetts  
14 Somerset Street  
Boston, MA 02108  
(617) 227-9608

Child Advocacy Project  
Easter Seal Society of Massachusetts  
639 Massachusetts Avenue  
Cambridge, MA 02139  
(617) 868-4421

(State Headquarters) Easter Seal Society for Crippled Children & Adults of Massachusetts, Inc.  
30 Highland Avenue  
Worcester, MA 01608  
(617) 757-2756

(Regional Offices) Easter Seal Society for Crippled Children & Adults of Massachusetts, Inc.  
14 Somerset Street  
Boston, MA 02108  
(617) 227-9605

**(Regional Offices - con't.)**

37 Harvard Street  
Worcester, MA 01608  
(617) 757-2891

122 Nauset Street  
New Bedford, MA 02746  
(617) 997-1271

145 State Street  
Springfield, MA 01103  
(413) 732-2548

26 Chestnut Street  
Andover, MA 01810  
(617) 475-1477

Epilepsy Society of Massachusetts  
140 Boylston Street  
Boston, MA 02210  
(617) 542-0781

March of Dimes - Massachusetts Bay Chapter  
280 Washington Street  
Brighton, MA 02135  
(617) 783-4180

March of Dimes Birth Defects Information Center  
20 Ash Street  
Boston, MA 02111  
(617) 482-2800, extension 2267

Massachusetts Advocacy Center  
2 Park Square  
Boston, MA 02116  
(617) 357-8431

Massachusetts Association for the Blind  
120 Boylston Street  
Room 446  
Boston, MA 02116  
(617) 542-3106

Massachusetts Teachers Association  
Special Education Advisory Committee  
20 Ashburton Place  
Boston, MA 02108

Muscular Dystrophy Association of America, Inc.  
Greater Boston Chapter  
391 Totton Pond Road  
Waltham, MA 02154  
(617) 890-0300

National Multiple Sclerosis Society  
Massachusetts Chapter  
79 Milk Street  
Boston, MA 02109  
(617) 542-6376

United Cerebral Palsy of Greater Boston  
30 Wesley Street  
Newton, MA 02158  
(617) 527-3587

United Community Planning Corporation  
(formerly United Community Services)  
14 Somerset Street  
Boston, MA 02108  
(617) 742-2000

## **PUBLIC**

Blind, Commission for  
39 Boylston Street  
Boston, MA 02116  
(617) 727-5550  
Toll free telephone number: 1-800-322-7750, ext. 5550

COMMISSION AGAINST DISCRIMINATION  
Massachusetts Commission Against Discrimination  
Affirmative Action Division  
120 Boylston Street  
Boston, MA 02116  
(617) 727-7306

## **EDUCATION, DEPARTMENT OF**

Secretary of Education  
Executive Office of Educational Affairs  
18 Tremont Street  
Boston, MA 02108  
(617) 727-7785

Commissioner of Education  
Department of Education  
178 Tremont Street  
Boston, MA 02111  
(617) 727-5700

Division of Special Education  
Massachusetts Department of Education  
182 Tremont Street  
Boston, MA 02111  
(617) 727-5770

Bureau of Child Advocacy  
Division of Special Education  
Massachusetts Department of Education  
182 Tremont Street  
Boston, MA 02111  
(617) 727-5440

**(Regional Offices of Education)**

Southeast Regional Office  
RFD 3  
Buzzards Bay, MA 02532  
(617) 295-4191

Greater Boston Regional Office  
55 A Chapel Street  
Newton, MA 02158  
(617) 969-2405

Springfield Regional Office  
2083 Roosevelt Avenue  
Springfield, MA 01104  
(413) 734-2167

Worcester Regional Office  
271 West Boylston Street  
West Boylston, MA 01583  
(617) 835-6267

North Andover Regional Office  
1551 Osgood Road  
North Andover, MA 01845  
(617) 682-3734

Pittsfield Regional Office  
188 South Street  
Pittsfield, MA 01201  
(413) 499-0745

**LABOR AND INDUSTRIES**

Massachusetts Department of Labor and Industries  
Division of Minimum Wage  
100 Cambridge Street  
Boston, MA 02202  
(617) 727-3476

**(Regional Offices)**

51 Franklin Street  
Fall River, MA 02720  
(617) 675-7963

11 Lawrence Street  
Lawrence, MA 01840  
(617) 682-8570

246 North Street  
Pittsfield, MA 01201  
(413) 443-0513

165 Liberty Street  
Springfield, MA 01104  
(413) 732-5253

283 Main Street  
Worcester, MA 01608  
(617) 799-5063

Massachusetts Department of Labor and Industries  
Division of Industrial Safety  
100 Cambridge Street  
Boston, MA 02202  
(617) 727-3461

Regional Offices - same as those listed under  
Division of Minimum Wage

#### OFFICE FOR CHILDREN

Office for Children  
Central Office  
120 Boylston Street  
Boston, MA 02116  
(617) 727-8900

#### HELP FOR CHILDREN

The Office for Children has organized an information, referral and follow-up service for use by anyone desiring help in finding answers to specific problems. Help for Children will respond to telephone inquiries throughout the state.

Region I	Western Massachusetts 1618 Main Street Springfield, MA 01103 (413) 736-0321
Region II	Central Massachusetts c/o Lyman School Westborough, MA 01581 (617) 366-8706
Region III	Northwest Suburbs of Boston 99 Austin Street Cambridge, MA 02139 (617) 492-1572
Region IV	Northeastern Massachusetts 279 Boston Road Topsfield, MA 01983 (617) 887-6501
Region V	Southwest Suburbs of Boston 474 Brookline Street Newton Centre, MA 02159 (617) 965-4470
Region VI	Boston, Revere, Chelsea, Winthrop 120 Boylston Street Boston, MA 02116 (617) 588-4567



Region VII            Southeast Massachusetts  
                         168 Main Street  
                         Brockton, MA 02401  
                         (617) 588-4567

PUBLIC HEALTH

Massachusetts Department of Public Health  
39 Boylston Street  
Boston, MA 02116  
(617) 357-3002

(Regional Offices)

Northeast Regional Public Health Office  
Tewksbury Hospital  
Tewksbury, MA 01876  
(617) 851-7261

Southeast Regional Public Health Office  
Lakeville Hospital  
Lakeville, MA 02346  
(617) 947-1060

Barnstable County Health Department  
Barnstable County  
MA 02639  
(617) 362-2511

Central Regional Office  
Rutland Heights Hospital  
Rutland, MA 01543  
(617) 386-6111

Western Regional Health Office  
University of Massachusetts  
Public Health Unit  
Amherst, MA 01002  
(413) 545-2563

Pittsfield District Health Office  
246 North Street  
Pittsfield, MA 01201  
(413) 443-4476

REHABILITATION COMMISSION

Massachusetts Rehabilitation Commission  
296 Boylston Street  
Boston, MA 02116  
(617) 727-2183

## **Massachusetts Rehabilitation Commission Offices**

141 Milk Street  
Boston, MA 02108  
(617) 357-8137

196 Main Street  
Brockton, MA 02401  
(617) 583-1530

2464 Massachusetts Avenue  
Cambridge, MA 02140  
(617) 492-0360

10 Purchase Street  
Fall River, MA 02720  
(617) 678-9041

76 Summer Street  
Fitchburg, MA 01420  
(617) 345-1713

624 Main Street  
Greenfield, MA 01301  
(413) 774-2326

560 Dwight Street  
Holyoke, MA 01040  
(413) 536-8200

147 Falmouth Road  
Hyannis, MA 02601  
(617) 775-6131

46 Amesbury Street  
Lawrence, MA 01840  
(617) 685-1731

97 Central Street  
Lowell, MA 01852  
(617) 457-7544

31 Exchange Street  
Lynn, MA 01901  
(617) 593-6604

33 Dartmouth Street  
Malden, MA 02148  
(617) 324-7160

70 Main Street  
Milford, MA 02148  
(617) 324-7160

9 Mercer Road  
Natick, MA 01760  
(617) 653-1105

558 Pleasant Street  
New Bedford, MA 02740  
(617) 993-1787

511 Washington Street  
Norwood, MA 02062  
(617) 769-5950

6 Clinton Avenue  
Pittsfield, MA 01201  
(413) 499-1600

1073 Hancock Street  
Quincy, MA 02169  
(617) 471-1600

306 Martin Luther King, Jr.  
Blvd.  
Roxbury, MA 02119  
(617) 442-5510

399 Main Street  
Southbridge, MA 01550  
(617) 765-5968

16 Fort Street  
Springfield, MA 01103  
(413) 736-7296

10 Faraday Street  
Worcester, MA 01605  
(617) 754-1757

## TAXATION, FEDERAL

### Internal Revenue Service

Taxpayer Assistance & Information  
John F. Kennedy Federal Building  
Government Center  
Boston, MA  
(617) 223-3431

Taxpayer Assistance & Information  
Federal Building - Courthouse  
Worcester, MA 01601  
(617) 791-2314

Taxpayer Assistance & Information  
Federal Building - Courthouse  
Springfield, MA 02301  
(413) 781-2380

Check your phone book in your local area in case there may be a service center closer to your home.

## TAXATION, STATE

Department of Corporations & Taxation  
Income Tax Division  
Desk Audit Section  
100 Cambridge Street  
Boston, MA 02202  
(617) 727-4545

### (Regional Offices)

25 Belmont Street  
Brockton, MA 02401  
(617) 586-4875

1670 President Avenue  
Fall River, MA 02720  
(617) 678-2844

Room 418  
Safety Fund Bank Building  
470 Main Street  
Fitchburg, MA 01420  
(617) 345-6301

143 Falmouth Road  
Hyannis, MA 02601  
(617) 775-6442

Room 207  
Sun Building  
8 Merrimack Street  
Lowell, MA 01852  
(617) 458-8426

74 North Street  
Pittsfield, MA 01201  
(413) 499-1560

10 Colonial Road  
Salem, MA 01970  
(617) 744-0210

235 Chestnut Street  
Springfield, MA 01103  
(413) 737-1424

75 B Grove Street  
Worcester, MA 01605  
(617) 753-4763

## APPENDIX E

### PARENT AND SELF-HELP GROUPS

Action for the Prevention of Burn Injuries to Children  
(APBIC) 45 School Street, Boston 02108 484-5780

Association for Brain-Injured Children  
48 Newport Avenue, Braintree 02185 843-8829

Association for Mentally Ill Children (AMIC)  
251 Massachusetts Avenue, Arlington 02174 648-1813

Association to Overcome Multiple Sclerosis (ATOMS)  
79 Milk Street, Boston 02109 542-5909

Blind Leadership Club  
18 Constitution Avenue, Revere 02151 566-2282

Children in Hospitals  
31 Wilshire Park, Needham 02192 449-0155

Intercampus Committee for Handicapped Students  
75 East Newton Street, Boston 02118 266-4981

Massachusetts Association for Children with Learning  
Disabilities (MACLD)  
Box 908, 1296 Worcester Road, Framingham 01701 872-6880

Massachusetts Association of Paraplegics (MAP)  
12 Elm Brook Circle, Bedford 01730 275-6078

Massachusetts Association for Retarded Citizens (MARC)  
381 Elliot Street, Newton Upper Falls 02164 965-5320

Massachusetts Council of Organizations of the Handicapped  
(MCOH)  
P. O. Box 153, 15 St. Rose Street, Jamaica Plain 02130

Massachusetts Council of Organizations Serving the Deaf  
P. O. Box 531, 68 Brentwood Circle, Needham 02192

Massachusetts Parents Association for the Deaf and Hard  
of Hearing  
Box 303, Boston 02101 729-8585

Massachusetts Spina Bifida Association (MSBA)  
90 Hammond Street, Cambridge 02138 491-7577

New England Association of Parents for Visually Handicapped  
Children and Adults  
c/o Perkins School for the Blind, 175 North Beacon Street,  
Watertown 02172

North Shore Parents and Friends of the Handicapped  
170 Bridge Street, Beverly 01915 927-2725

Osteogenesis Imperfecta Association  
51 Orchard Street, Lowell 01854

Ostomy Association of Boston  
138 Newbury Street, Boston 02116 267-3665

Parents and Children Together (PACT) (parents of children  
with cardiac problems)  
623 Randolph Avenue, Milton 02186 696-6685

Prescription Parents (parents of children born with cleft  
lip or cleft palate)  
P. O. Box 855, Quincy 02169 482-3396

Rubella Parents Association  
4 Denfield Road, Westborough 01581 366-8183

Task Force on the Handicapped  
Hurley Building, Room 245B, Government Center, Boston 02114  
727-6451

If you desire additional information (fact sheets, new legislation which is relevant to parents of handicapped children), please detach and return this form.

Mail to: Child Advocacy Project  
Easter Seal Society  
14 Somerset Street  
Boston, Massachusetts 02108

-----  
Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Parent \_\_\_\_\_

Agency or Organization Affiliation \_\_\_\_\_

Comments: